



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/614,196	03/12/96	TAMURA K	1232-0252

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NEW YORK NY 10154

LM11/0331

ONUAKU, C

EXAMINER

2712

ART UNIT

PAPER NUMBER

03/21/98  
DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Advisory Action

Application No.

08/614,196

Applicant(s)

Tamura et al.

Examiner

Christopher Onuaku

Group Art Unit

2712



### THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☒ Appellant's Brief is due two months from the date of the Notice of Appeal filed on Mar 9, 1998 (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Sep 3, 1997 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☐ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
  - ☐ will not be entered because:
    - ☐ they raise new issues that would require further consideration and/or search. (See note below).
    - ☐ they raise the issue of new matter. (See note below).
    - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
    - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ Applicant's response has overcome the following rejection(s):

\_\_\_\_\_  
\_\_\_\_\_

- ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
(See attached)

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 1-16

- ☐ The proposed drawing correction filed on \_\_\_\_\_ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Other

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 3/9/98 have been fully considered but they are not persuasive.

Applicant's argument that Shimuzu '374 does not teach storing optimum exposure control parameters or maintaining the optimum exposure is negated in the examiner's rejections of claims 1-6. In column 4, line 67 to column 7, line 49, Shimuzu et al. '374 disclose that a reference level modulation coefficient K is stored in the ROM 16. By storing the coefficients for modulating the exposure control reference value into the ROM, the optimum exposure control reference value modulation according to the luminance signal level can be executed. The reference level modulation coefficient K may not be the iris, the electronic shutter speed, or the gain amount of the AGC amplifier, but it can be considered a control parameter since there is a relation between the reference level modulation coefficient K and the luminance level as shown in Fig.6. For any data to be read out ROM it had to be stored. One advantage for storing data in the ROM is that the data stored in the ROM is not lost in case of accidental loss of power in an electrical emergency.

Again applicants argument that Iwasaki does not teach storing optimum exposure control parameters for the detected position of the object is moot because the Iwasaki reference was used to modify the Shimuzu '374 reference in order to add the zone selecting feature of Iwasaki to the Shimuzu '374 . In addition, Applicant's argument that Shimuzu '074 does not teach storing optimum exposure control parameters for a selected zone or maintaining the optimum exposure

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based upon the is moot because the Shimuzu `037 reference was used to additionally modify Shimuzu `374 reference in order to add to the Shimuzu `374 system the detection means of Shimuzu `037 for determining whether a zoomed image signal captured by the image sensing means contains the video signal stored in the 'second' memory means and outputting a signal for resetting the control parameters in the 'first' memory means if the captured image signal is not contained in the zone to the system, for example.

In claim 9, 10, 12, 14, and 15 Applicant argues that in Faltermeier data stored in autofocus module 23 is not adjusting data relating to a prescribed state. But Faltermeier clearly discloses(Fig.1, and col.4, lines 33-38) that in the autofocus module 23, video images which are read out one after the other are stored and compared with each other, *and a drive signal for the electrical focusing drive is gained from the result. This drive signal, obviously, is used to* adjust focusing data obtained by the switching knob 27b with which the user can choose whether a portion or the entire video image shall be used for exposure control(col.4, lines 32-67). When the focusing adjustment is completed, a video image in optimum focusing state is produced. This video image is then stored in the autofocus module 23 and used for comparison with other video images also stored in the autofocus module 23, and from which result a drive signal for the electrical focusing drive is gained.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The

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examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5399 (for informal or draft communications, please label

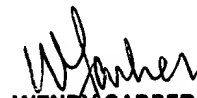
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone is (703) 305-4700.

  
COO

10/27/97

  
WENDY GARBER  
PRIMARY EXAMINER